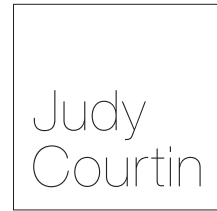


Should I claim under the National Redress Scheme?



Legal

What is the National Redress Scheme?

The recommendations springing from the Royal Commission into Institutional Responses to Child Sexual Abuse led to the creation of the National Redress Scheme (NRS) in 2018.

Under the NRS, survivors of child sexual abuse may make an application for a redress payment, a personal apology from the institution in question, and access to counselling.

Independent Decision Makers consider applications for Redress. They take into account any prior compensation that a survivor may have received from the institution or institutions in question.

If you seek to have the decision reviewed, that will be done by a different Independent Decision Maker.

What are the benefits of making an application through the NRS?

On average, your application through the NRS is likely to be processed in about one year. This is often a shorter period of time than the process of litigating your matter through the civil courts.

What are the negative aspects of making an application through the NRS?

Institutions voluntarily sign up to be part of the NRS; it may be that the institution that you wish to seek redress against has not signed up or no longer exists. In that case, the government may act as what is called a 'Funder of Last Resort' and pay the compensation.

Under the NRS, it is possible to only award the maximum amount of \$150,000 to survivors who have suffered penetrative abuse in extreme circumstance, and where it is recognised that the survivor was "institutionally vulnerable" and also suffered other non-sexual abuse.

This severely limits the number of survivors who will be compensated for the maximum amount.

The NRS does not provide redress to survivors who suffered physical or emotional abuse whilst in institutional care; there must be a sexual element to the abuse.

The amounts of money offered for counselling are also divided into different categories of abuse: it is fair to say that the allocations are limited and do not reflect the real costs of psychological and psychiatric treatment.

How does the NRS stack up against taking my claim through the Courts?

Unlike the NRS, there is no cap on the amount of damages that you may claim for if you take your matter through the Courts, and your matter will be decided by judge and/or judge and jury.

An award of damages will be assessed with reference to other cases of sexual abuse that have been decided by the Courts.

If you are successful in proving that an institution breached its duty of care to you, and that breach caused you an injury (often psychological), it is highly likely that the award of damages will be higher than an offer under the NRS.

A litigated matter may take years to resolve; and can involve significant costs. The decision on whether or not to proceed through the NRS or civil litigation is one best made after receiving carefully crafted legal advice.

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**Go to next page to read
the amount of redress payments
under the current legislation.**

Amount of redress payments under the current legislation

Kind of sexual sexual abuse of the person	Recognition of sexual abuse	Recognition of impact of sexual abuse	Reconigation of related non-sexual abuse	Recognition that person was institutionally vulnerable	Recognition of extreme circumstances of sexual abuse
Penetrative abuse	\$70,000	\$20,000	\$5,000	\$5,000	\$50,000
Contact abuse	\$30,000	\$10,000	\$5,000	\$5,000	Nil
Exposure abuse	\$5,000	\$5,000	\$5,000	\$5,000	Nil

Note 1: Only one item of the table can be relevant to a person. This is because an item covers all relevant sexual abuse of the person.

Note 2: The amount of the redress payment is also affected by section 30 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and the rules made for the purposes of that section.

It is important to note that once you have been compensated by the NRS, this forever extinguishes your right to have your institutional abuse claim tested in a Court. Therefore, it is highly recommended that you seek legal advice before accepting any offer from the NRS.